

SARNA & ASSOCIATES, PC  
328 North Broadway, 2<sup>nd</sup> Floor  
Upper Nyack, New York 10960  
(845) 348-9822  
James A. Sarna  
Counsel to 45220, Inc., Defendant

Arent Fox LLP  
1675 Broadway  
New York NY 10019-5820  
212-484-3979  
Robert M. Hirsh  
Counsel to Plaintiffs

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----  
IN RE:

BH S&B HOLDINGS LLC, *ET AL.*,

DEBTORS

-----  
OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS, ON BEHALF OF DEBTORS,

PLAINTIFFS

V.

45220, INC.,

DEFENDANT  
-----

:  
:  
: CHAPTER 11 CASE  
: No.: 08-14604 (MG)  
: Jointly Administered  
:  
:  
:

:  
:  
: ADV. PRO. NO.  
: 09-01352 (MG)  
:  
:  
:

**STIPULATION REGARDING  
DEPOSITION OF 45220, INC.'S PRINCIPAL**

The Official Committee of Unsecured Creditors, on behalf of Debtors (the "Committee"), the plaintiff, and 45220, Inc. ("45220"), the defendant, in the above-captioned Adversary Proceeding, by and through their respective counsel, submit this Stipulation and Order Regarding Case Management and Scheduling of Discovery and respectfully state as follows:

WHEREAS, on or about July 8, 2009 the Committee commenced the above-captioned Adversary Proceeding against 45220; and

WHEREAS, 45220 interposed its Answer to the Complaint on or about August 10, 2009; and,

WHEREAS, on November 6, 2009, the Committee served 45220's counsel with a Notice

of Deposition seeking to take the deposition upon oral examination of 45220 by its principal officer (the "Deponent") on December 10, 2009; and,

WHEREAS, the Deponent was out not available on December 10, 2009; and,

WHEREAS, the Committee and 45220 wish to agree on a mutually convenient date when the Committee may take Deponent's deposition.

NOW THEREFORE, the Committee and 45220 have agreed as follows:

1. 45220 will make the Deponent available for an oral examination at the offices of the Committee's counsel, or at some other place that is mutually convenient, in or about the second week of February, 2010.

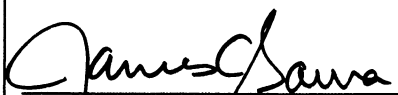
2. By agreeing to make the Deponent available for a deposition, 45220 does not waive any rights, privileges, claims and/or defenses of any kind, including the right to make a motion to limit the scope of the Deposition or raise objections at the deposition or to seek a further adjournment of the Deposition by Order of the Bankruptcy Court for cause and on notice to the Committee by its counsel. All such rights, privileges, claims and/or defenses are explicitly reserved.

Dated: Upper Nyack, New York  
January 7, 2010

Dated: New York, New York  
January 7, 2010

45220, Inc.,  
By its counsel:  
Sarna & Associates, PC  
By:

Official Committee of Unsecured  
Creditors, on behalf of Debtors  
By its Counsel  
Arent Fox LLP  
By:



James A. Sarna  
A Member of the Firm  
328 North Broadway, 2<sup>nd</sup> Floor  
Upper Nyack, New York 10960  
(845) 348-9822



~~Robert M. Hirsh~~  
~~A Member of the Firm~~  
1675 Broadway  
New York NY 10019-5820  
(212) 484-3979

DAVID J. KOZLOWSKI, ESQ.